

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE JUNE 18, 2012

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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1634

**Introduced by Assembly Member ~~Bonnie Lowenthal~~ Members
Chesbro, Bonnie Lowenthal, and Williams**

February 9, 2012

~~An act to amend Section 1582 of the Code of Civil Procedure, relating to unclaimed property.~~ *An act to amend Sections 42649.1 and 42649.2 of the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, ~~Bonnie Lowenthal~~ Chesbro. ~~Unclaimed property.~~ *Solid waste: large-quantity commercial organics generators.*

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law also requires local jurisdictions to implement a commercial solid waste recycling program designed to divert commercial solid waste from businesses that generate 4 cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of 5 units or more. Existing law requires a commercial waste generator to take one of specified actions that include, among other things, subscribing to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

This bill would require the department, on or before January 1, 2018, to adopt specified regulations to require a large-quantity commercial organics generator to arrange for separate organics collection and recycling services that may include, but are not limited to, self-hauling, consistent with state or local laws or requirements, as specified. The bill would authorize the department, on a case-by-case basis, to delay the recycling of organics in rural areas if it determines that the infrastructure to provide these services does not exist and are not reasonably available from a local service provider. The bill would redefine “commercial solid waste” for these purposes and define “large-quantity commercial organics generator.”

~~The Unclaimed Property Law requires a person holding funds or other property escheated to the state to file a report with the Controller and to pay or deliver the escheated property to the Controller, unless another person has established his or her right to any of the property specified in the report. The Controller is required to publish notice within one year after payment or delivery of the escheated property, as specified. Under existing law, any agreement to locate, deliver, recover, or assist in the recovery of escheated property that is entered into between the date the report is filed and the date of publication of notice is not valid. Such an agreement made after publication of notice is valid if the fee or compensation agreed upon is not in excess of 10% of the recoverable property, and the agreement is in writing and signed by the owner after disclosure in the agreement of the nature and value of the property and the name and address of the person or entity in possession of the property.~~

~~This bill would provide that, on and after January 1, 2013, any solicitation made to locate, deliver, recover, or assist in the recovery of escheated property shall be in writing, and shall disclose the nature and value of the property and the name, current mailing address, and telephone number or Internet Web site of the person or entity in possession of the property on the front page of the solicitation in at least a 12-point type. The bill would require any agreement made after publication of notice to comply with these requirements, in addition to those requirements described above, in order to be valid.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 42649.1 of the Public Resources Code is*
2 *amended to read:*

3 42649.1. For purposes of this chapter, the following terms
4 ~~mean the following shall apply:~~

5 (a) “Business” means a commercial or public entity, including,
6 but not limited to, a firm, partnership, proprietorship, joint stock
7 company, corporation, or association that is organized as a
8 for-profit or nonprofit entity, or a multifamily residential dwelling.

9 (b) “Commercial solid waste” ~~has the same meaning as defined~~
10 ~~in Section 17225.12 of Title 14 of the California Code of~~
11 ~~Regulations~~ *includes all types of solid waste generated by a store,*
12 *office, or other commercial or public entity source, including a*
13 *business or multifamily dwelling of five or more units.*

14 (c) “Commercial waste generator” means a business subject to
15 subdivision (a) of Section 42649.2.

16 (d) “Large-quantity commercial organics generator” means a
17 business that generates significant amounts of organic waste,
18 including, but not limited to, food waste and green materials, that
19 is traditionally disposed of in a solid waste landfill, as determined
20 by the department.

21 ~~(d)~~
22 (e) “Self-hauler” means a business that hauls its own waste
23 rather than contracting for that service.

24 *SEC. 2. Section 42649.2 of the Public Resources Code is*
25 *amended to read:*

26 42649.2. (a) On and after July 1, 2012, a business that
27 generates four cubic yards or more of commercial solid waste per
28 week or is a multifamily residential dwelling of five units or more
29 shall arrange for recycling services, consistent with state or local
30 laws or requirements, including a local ordinance or agreement,
31 applicable to the collection, handling, or recycling of solid waste,
32 to the extent that these services are offered and reasonably available
33 from a local service provider.

34 (b) A commercial waste generator shall take at least one of the
35 following actions:

36 (1) Source separate recyclable materials from solid waste and
37 subscribe to a basic level of recycling service that includes

1 collection, self-hauling, or other arrangements for the pickup of
2 the recyclable materials.

3 (2) Subscribe to a recycling service that may include mixed
4 waste processing that yields diversion results comparable to source
5 separation.

6 (c) A property owner of a multifamily residential dwelling may
7 require tenants to source separate their recyclable materials to aid
8 in compliance with this section.

9 (d) (1) (A) *On or before January 1, 2018, the department shall*
10 *adopt regulations to require a large-quantity commercial organics*
11 *generator to arrange for separate organics collection and recycling*
12 *services that may include, but are not limited to, self-hauling,*
13 *consistent with state or local laws or requirements, including a*
14 *local ordinance or agreement applicable to the collection,*
15 *handling, or recycling of solid waste.*

16 (B) *This paragraph does not apply to the curbside collection of*
17 *green material from single-family residences or multifamily*
18 *dwellings of fewer than five units.*

19 (2) *When adopting the regulations pursuant to paragraph (1),*
20 *the department may establish different timelines for different types*
21 *of organic materials, different types of large-quantity commercial*
22 *organics generators, and different regions of the state, but the*
23 *regulations shall require these requirements to be in effect no later*
24 *than January 1, 2018.*

25 (e) *The department may, on a case-by-case basis, delay the*
26 *recycling of organics in rural areas if it determines that the*
27 *infrastructure to provide these services does not exist and are not*
28 *reasonably available from a local service provider.*

29 ~~SECTION 1. Section 1582 of the Code of Civil Procedure is~~
30 ~~amended to read:~~

31 ~~1582. (a) (1) Any agreement to locate, deliver, recover, or~~
32 ~~assist in the recovery of property reported under Section 1530;~~
33 ~~entered into between the date a report is filed under subdivision~~
34 ~~(d) of Section 1530 and the date of publication of notice under~~
35 ~~Section 1531 is not valid. Such an agreement made after~~
36 ~~publication of notice is valid if all of the following conditions are~~
37 ~~met:~~

38 ~~(A) The fee or compensation agreed upon is not in excess of 10~~
39 ~~percent of the recoverable property.~~

1 ~~(B) The agreement is in writing and signed by the owner after~~
2 ~~disclosure in the agreement of the nature and value of the property~~
3 ~~and the name and address of the person or entity in possession of~~
4 ~~the property.~~

5 ~~(C) Any solicitation made to the owner by the other party to the~~
6 ~~agreement after the date of publication of notice under Section~~
7 ~~1531 complies with the requirements of subdivision (b).~~

8 ~~(2) Nothing in this section shall be construed to prevent an~~
9 ~~owner from asserting, at any time, that any agreement to locate~~
10 ~~property is based upon an excessive or unjust consideration.~~

11 ~~(b) On or after January 1, 2013, any solicitation made to locate,~~
12 ~~deliver, recover, or assist in the recovery of property reported under~~
13 ~~Section 1530 shall be in writing, and shall disclose the nature and~~
14 ~~value of the property and the name, current mailing address, and~~
15 ~~telephone number or Internet Web site of the person or entity in~~
16 ~~possession of the property on the front page of the solicitation in~~
17 ~~at least a 12-point type.~~

18 ~~(e) Notwithstanding any other law, records of the Controller's~~
19 ~~office pertaining to unclaimed property are not available for public~~
20 ~~inspection or copying until after publication of notice of the~~
21 ~~property or, if publication of notice of the property is not required,~~
22 ~~until one year after delivery of the property to the Controller.~~